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Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-first year

Identical letters dated 18 August 2016 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

It is with regret that I must draw your attention to the ongoing misery and hardships being endured by the Palestinian people, who continue to suffer the injustice and indignity of Israel's illegal foreign occupation. Tensions are surging as Israel, the occupying Power, presses on with its campaign of repression against Palestinian civilians in tandem with its destructive and gluttonous colonization campaign, both with grave consequences for our people and the prospects for peace.

Palestinians continue to be killed and injured by the Israeli occupying forces, in deadly military raids, and by extremist Israeli settlers. Palestinians continue to be arrested by the dozens and continue to be imprisoned and detained without charge or trial. Children have not been spared, but are rather growing in numbers on both the casualty and prisoner lists. Palestinian homes and properties continue to be seized and demolished at unprecedented rates. Palestinian families continue to be forcibly displaced, callously rendered homeless and destitute. And the State of Palestine continues to be fragmented and scarred as the occupying Power persists with its settlement policies aimed at colonizing and de facto annexing as much Palestinian land as possible. All of this is being done in grave breach of the Fourth Geneva Convention and against the backdrop of a deafening silence and paralysis of the international community, particularly the Security Council.

While it is impossible to list all of the Israeli violations and crimes perpetrated in the recent period in the Occupied Palestinian Territory, including East Jerusalem, I am compelled to highlight certain incidents reflective of the systematic, unlawful behaviour and insidious intentions of the occupying Power, neither of which render any hope for progress towards peace in the near future.

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Palestinian civilian casualties

Yesterday, 17 August, the Palestinian people buried yet another Palestinian child, who was brutally murdered by the Israeli occupying forces, destroying another Palestinian family and further traumatizing another Palestinian community. Mohammed Abu Hashhash, 17 years old, was killed by live ammunition shot at his chest by an Israeli soldier during a raid by the occupying forces in Al-Fawwar refugee camp near Al-Khalil on 16 August. This military raid, during which Israeli occupying forces forcibly ransacked homes, interrogated dozens of civilians and fired live ammunition, tear gas and rubber-coated bullets at residents who were protesting the raid, also resulted in the injury of 32 other Palestinians. In this regard, it must be pointed out that the Al-Khalil area has gravely suffered in the wave of violence and repression meted out by the Israeli occupying forces since October 2015, with at least 64 Palestinian civilians from the Al-Khalil area killed since then. Their plight underscores again the need for protection for the Palestinian people under Israeli occupation in accordance with international humanitarian law.

Palestinian prisoners and detainees

Another recurrent feature of the occupation's military raids into Palestinian areas, in particular Palestine refugee camps throughout the Occupied West Bank, which continue to be heavily targeted by the Israeli occupying forces, is the arrest and detention of Palestinian civilians. Every day, Palestinians are seized, arrested, detained and imprisoned by the Israeli occupying forces, the majority of them are subjected to beatings, intimidation, forced interrogation, humiliation and other acts of physical and psychological abuse, in many cases amounting to torture. For example, on 17 August, at least 24 Palestinians were arrested in overnight raids throughout the West Bank, 14 of them from the area of Al-Khalil, highlighting again the intense repression by the occupying forces against the Palestinian civilians in that area. Palestinian children and youth, especially males and some as young as 12 years old, continue to be among those targeted and detained by the occupying Power and are routinely denied communication with their families. As reported by the Palestinian Committee of Prisoners' Affairs, the Israeli occupying forces have detained 560 children from Occupied East Jerusalem alone, since the start of 2016.

In this regard, Israel continues to hold more than 700 Palestinians under administrative detention, jailing them indefinitely without charge or trial. In the recent period, several Palestinian detainees have undertaken hunger strikes against such abuse. Some of the more worrying examples include the plight of Waleed Masalma, who has been transferred to an Israeli medical facility owing to deteriorating health resulting from a hunger strike, and the plight of Bilal Kayid, who has entered his sixty-fourth day of a hunger strike in protest at his administrative detention and remains handcuffed to a bed at an Israeli hospital since last month. Bilal is suffering from the inability to see, hear or walk, as well as complications in his stomach, lungs and kidneys, and yet Israel continues to inhumanely detain him. At least 100 other Palestinian prisoners began hunger strikes on 15 August, in solidarity with Bilal and other detainees on hunger strike, including, among others, brothers Mahmoud Balboul and Mohammed Balboul, who have been on hunger strike since 1 and 4 July respectively, and Omar Nazzal, a prominent journalist who has been detained without charge since April 2016, began his strike on 4 August, all in protest at the abuses of the occupying Power against them.

We draw the international community's attention to the plight of those Palestinian detainees, along with the more than 7,000 other Palestinians being held in Israeli prisons and detention centres, among them children, women and parliamentarians, and demand once again respect for their human rights and their immediate release. We must also draw attention to the recent death of a former Palestinian prisoner, Naim Shawamrah, age 46, who died on 16 August as a result of complications from muscular dystrophy, which emerged during his 19 years in Israeli prison, but for which he did not receive proper medical care. His death brings to the forefront as well the repeated and deliberate medical negligence of Palestinian prisoners and detainees by Israel and the grave consequences as a result. Israel, the occupying Power, must be held accountable for all such violations and crimes.

Israel's illegal settlement activities and home demolitions

At the same time, as indicated above, Israel has not for a minute ceased its settlement colonization campaign across the Occupied West Bank, including East Jerusalem, exploiting the international community's paralysis to continue implementing its illegal expansionist agenda and continue destroying the two-State solution. Just two days ago, the occupying Power approved the construction of 4,200 more units in the illegal settlement of "Modi'in", west of Ramallah, and approved expansion plans for the illegal settlement of "Ramot" in Occupied East Jerusalem. Also recently, it has been revealed that Israel is conducting a so-called "land survey" in the southern Occupied West Bank near Bethlehem and levelling lands near the village of Nahla with the intention of declaring "State lands" in the area in order to construct another illegal Israeli settlement.

If carried out, such an illegal scheme would further isolate Bethlehem, which is already surrounded by settlements and Israeli-only bypass roads on three sides, and would further fragment and impair the contiguity and integrity of the West Bank, totally undermining the possibility and viability of the two-State solution on the basis of the pre-1967 borders. In this regard, it must be highlighted that Israeli settlements occupy and control at least 42 per cent of the land of the West Bank, whether through housing units, agricultural and industrial facilities, bypass roads and other infrastructure, including military. Moreover, it is an understatement to recall that all such Israeli settlement policies and measures constitute grave breaches under the Fourth Geneva Convention, that is to say, war crimes, as well as under the Rome Statute of the International Criminal Court.

Of course, Israeli settlers continue also with their violence and terror against Palestinian civilians and their properties. Extremists continue to raid Palestinian villages, harassing, intimidating and attacking civilians, including in particular children and herders, and also continue their incursions at Al-Haram Al-Sharif in Occupied East Jerusalem, further stoking tensions. In the recent period there was also a Palestinian casualty at the hands of Israeli settlers, when an 85-year-old Palestinian man, Mousa Mohammed Salman, a shepherd, died on 9 August after he was run over by an Israeli settler driving a motorcycle near Khirbet Al-Marajim near Nablus.

All the while, and in direct correlation to this illegal settlement campaign, Israel has continued non-stop with its malicious destruction of Palestinian homes, also in grave breach of the Fourth Geneva Convention and in defiance of the

international calls to halt such actions. The intensity of demolitions has been highest in "Area C", underlining the direct connection to Israel's illegal settlement network and expansionist aims.

One of the most glaring among recent examples occurred on 16 August, when Israeli occupying forces demolished eight homes on the outskirts of Sair village, again in Al-Khalil area, rendering homeless and forcibly displacing 50 Palestinians of the same extended family, the Shalalda family, including several children. Israeli soldiers stormed the area of Jurat al-Kheil, east of Sair, and forcibly removed eight families from their homes at gunpoint and an excavator then demolished the homes under military supervision, all under the so-called pretext of lacking Israeli building permits.

Similar inhumane actions continue to be carried out by the occupying Power on a near daily basis under such offensive and shocking pretexts and in direct violation of international humanitarian law. This includes other demolitions, such as the destruction, on 16 August, of multiple structures in Palestinian communities in the area of Occupied East Jerusalem and of a Palestinian home in the Beir Ouna neighbourhood of Beit Jala near Bethlehem, which left 20 Palestinians of the Zreina family homeless; and the destruction of European Union-funded Palestinian homes on 9 August in Umm Al-Kheir in southern Al-Khalil, which rendered homeless and forcibly displaced 27 people, including 16 children. Also, on 17 August, Israel issued demolition orders against a primary school in the Bedouin village of Khan Al-Ahmar in the East Jerusalem area. The school, built by an Italian aid organization, Vento Di Terra, serves 160 children from five different Bedouin communities and is located in the sensitive so-called "E1" area and it has been slated for destruction for years, along with other civilian structures, as part of a larger Israeli plan to forcibly transfer at least 2,800 Bedouins, the majority of them Palestine refugees, in order to facilitate the expansion of illegal Israeli settlements in the area.

In this connection, it is necessary to draw attention to a recent report by B'tselem, an Israeli human rights organization, which has found that Israel has demolished more Palestinian homes in the first six months of 2016 than in all of 2015. According to figures from the Office for the Coordination of Humanitarian Affairs, in this regard, the occupying Power has demolished 726 structures in the Occupied West Bank, including East Jerusalem, in 2016 thus far, on the pretext that they lacked "building permits", forcibly displacing more than 1,000 Palestinian civilians. The figures do not even include punitive home demolitions carried out by the Israeli occupying forces against the families of Palestinians alleged to have carried out attacks against Israeli civilians or occupying forces.

We call on the international community to stand firmly against all such illegal Israeli actions against the Palestinian people and their land. An unequivocal demand must be made for a halt to all settlement activities by Israel, the occupying Power, in all areas of Occupied Palestine, including in and around Occupied East Jerusalem. The Security Council in particular has special and clear responsibilities in this regard and must act to uphold and implement its own resolutions, rather than allowing Israel to continue to make a mockery of the Council and of international law, which it blatantly abuses and exploits only for its own purposes. It is high time for the international community to move beyond verbal condemnations of Israel's

illegal colonization schemes and appeals for cessation; it is time for serious and bold action aimed at compelling Israel to halt these crimes once and for all.

After nearly 50 years of this belligerent foreign occupation, it is time for the international community to step up to its obligations and act in line with international law and historic commitments, including to the two-State solution for peace based on the pre-1967 borders and the relevant United Nations resolutions, as well as the Madrid principles and the Arab Peace Initiative. Professions of support for the two-State solution and efforts for preserving the possibility of realizing it will continue to ring hollow if Israel is allowed to continue its theft, colonization and destruction of Palestine with impunity, rendering the two-State solution null and void and crushing any hopes for peace. We thus call again on the international community, at the forefront the Security Council, to take urgent measures to uphold the law, to save innocent lives and to salvage the prospects for peace. This clearly requires holding Israel accountable under international law, including humanitarian and human rights law, and this must start with measures to stop Israel's settlement campaign, a matter on which there is longstanding international consensus and a political, legal and moral obligation to act.

The present letter is in follow-up to our 591 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 27 July 2016 (A/ES-10/727-S/2016/657), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer
of the State of Palestine to the United Nations

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Security Council

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General Assembly
Seventieth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 17 August 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the second quarterly report (for the period April-June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia.

I should be grateful if you would have the present letter and its annex circulated as an official document of the seventieth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Ambassador
Permanent Representative

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Annex to the identical letters dated 17 August 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Second quarterly report (for the period April-June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the second quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of April-June 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The territories of two regions of Georgia — Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in terms of holding the violators accountable.

4. On 29 June 2016, at the 32nd Session of the UN Human Rights Council, "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region" was made, which was initiated by Georgia and joined by 42 other countries.[1] According to the Joint Statement, "[t]he international community remains deeply concerned by the human rights and humanitarian situation in Georgia's regions of Abkhazia and the Tskhinvali Region/South Ossetia. We call for the full respect of the rights of members of the local population residing in both regions. To this extent it is of an utmost importance to assist international monitors in objective and independent reporting of the situation on the ground." The above document further states "[w]e are deeply concerned about the reports of kidnappings, illegal detentions, violation of property rights, restrictions on access to education in one's native language, movement and residence as well as the

[1] *List of Countries*: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, FYR of Macedonia, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Marshall Islands, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovenia, Spain, Sweden, Turkey, Ukraine, the UK, the USA.

continued discrimination on an ethnic basis. Here, we stress the importance of ensuring the ability of all forcefully expelled IDPs and refugees to return to their homes in both regions in a safe, dignified and voluntary manner."[2]

5. Occupation policy of the Russian Federation regarding the territory of Georgia deprives several hundreds of thousands of IDPs of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence. It should be particularly emphasized here that on 10th June 2016, the United Nations General Assembly adopted a resolution recognizing "the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region/South Ossetia".[3]

6. On 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe made a decision in which it once again recognized effective control of the Russian Federation in Abkhazia and Tskhinvali regions. Namely, in the above decision, the Committee of Ministers' Deputies "deeply regretted that, despite the attempts, neither the Commissioner for Human Rights of the Council of Europe, nor the Secretariat delegation in charge of preparing the Secretary General's consolidated reports have been granted access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; invited the Secretary General to engage in a dialogue with the Russian Federation and Georgia to this end; called on the Russian Federation to facilitate and grant unrestricted access to the territories beyond the control of the Georgian authorities to the existing bodies of the Council of Europe."[4]

7. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "called on the authorities exercising effective control: to guarantee and implement the right to education for everyone in schools and preschools, including education in the native language in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; to create conditions allowing for the voluntary, safe and dignified return of IDPs and refugees, including through protecting their right to property and securing effective remedy; to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines and to prevent arbitrary detention of persons, including in the context of so called "illegal border crossing"; to ensure that the population living in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia are not prevented or deterred by discriminatory rules from holding Georgian passports; to conduct an independent and effective investigation of all allegations of human rights violations."[5] It should be noted here that according to the same document, "Georgia as the only sovereign state under international law over its

[2] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[3] *Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia*, A/RES/70/265, paragraph 1.

[4] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 8.

[5] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 7.

regions of Abkhazia and Tskhinvali region/South Ossetia, is currently prevented from exercising legitimate effective control over these regions."[6]

8. The occupying power, exercising effective control, has been preventing numerous international organizations, including humanitarian, from entering Abkhazia, Georgia and the Tskhinvali Region, Georgia. On 27th April 2016, "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia"[7] was made at 1254th Council of Europe Committee of Ministers Meeting. According to this statement, "The EU regrets that its Monitoring Mission [EUMM] does not have access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia". According to the same statement, "[t]he EU will continue to support a wide range of humanitarian, protection, development and other co-operation actions in the Georgian region of Abkhazia, in particular also with international and local NGO, in particular through Confidence-Building and Response Mechanism. The EU calls for unimpeded humanitarian access to the Georgian region of Tskhinvali region/South Ossetia, where similar actions are needed."[8]

9. It should be emphasized here that during the reporting period, namely in May 2016, the European Union Special Representative (EUSR) Ambassador Herbert Salber commissioned an independent Senior Expert, Mr. Thomas Hammerberg, to assess the human rights situation in Abkhazia, Georgia.[9] This initiative is based on humanitarian considerations and is in line with EU's non-recognition and engagement policy; it is launched under the human rights component of the EUSR's mandate.[10] According to the agreed modalities, Senior Expert, Mr. Thomas Hammerberg will prepare a report for the EUSR in the beginning of the autumn 2016, based on several study visits to Tbilisi, Zugdidi, Sokhumi and Gali.[11] It should be noted here that the above initiative does not imply a regular mandate and that it does not aim to assess the human rights situation in Tskhinvali region, Georgia.

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[6] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 3.

[7] *Consolidated Report on the Conflict in Georgia*, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14.

[8] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[9] *Foreign Minister met Thomas Hammerberg — Murder Committed on 19 May as one of the Main Topics*, "Medianews", 18 June 2016, available at <http://medianews.ge/ge/19maissmomkh darimkvlelobaert-ertimtavaritema-sagarcosaqmetaministritomashamerbergsshekhvda/5834>; *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 10 May and 15 May 2016, p. 8.

[10] *Vakhtang Kolbaia met with Thomas Hammerberg, Independent Expert on Human Rights*, "Government of Autonomus Republic of Abkhazia", 10 May 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7216>.

[11] *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 6 June and 12 June 2016, p. 15.

Occupation Line and Installation of Barbed Wire Fences and New Banners/Signposts

10. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

11. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "regretted that despite the continued calls upon the Russian Federation to reverse the process of installation of artificial obstacles along the administrative boundary lines which divide families and communities and violate human rights and fundamental freedoms, it continues this process through various means, including by installing new demarcation signposts."[12]

12. According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "[w]e also note with profound concern the continued unacceptable process of "borderization" along the Administrative Boundary Lines and ongoing installation of barbed wire and razor wire fences, which significantly affect the livelihoods of residents, divide families, prevent people-to-people contacts, isolate the local population and sever remaining ties between the communities torn apart by the conflict."[13]

13. During the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" on the territory adjacent to the occupied Tskhinvali Region, namely in the vicinity of the village of Avlevi, Kareli district, thus leaving plots of lands of several local farmers beyond new markers.[14] The agricultural plots of lands which are now beyond new markers are belongings of local families and they were used by them for farming.[15] According to locals, they will no longer be able to have access to their plots of lands.[16] The installation of two additional banners marking the so-called "state

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[12] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 4.

[13] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[14] *Near Avlevi Village Armed Persons Installed Banners of so called State Border*, "Kvira.ge", 8 June 2016,available at <http://kvira.ge/%E1%83%A1%E1%83%9D%E1%83%A4%E1%83%94%E1%83%9A-%E1%83%90%E1%83%95%E1%83%9C%E1%83%94%E1%83%95%E1%83%98%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%90%E1%83%9E%E1%83%98%E1%83%A0%E1%83%90%E1%83%A1/>; *Georgian President met Johannes Hahn*, "Medianews", 9 June 2016, available at <http://medianews.ge/ge/afkhazetsadatskhinvalshiusafrtkheobisadahumanitarulisituatsiasakmaodmdzimea-giorgikvirikashvili/5247>.

[15] *Russian Border Guards Installed New Banners near the Village of Avlevi*, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-shetaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>.

[16] *Russia is Continuing the Process of Borderisation*, "GHN", 8 June 2016, available at <http://ghn.ge/com/news/view/154618>.

border" cuts around ten hectares from the territory controlled by the central government of Georgia.[17]

New so called "Laws"

14. During the reporting period, namely on 1st April 2016, so called "law on legal status of foreign citizens in Abkhazia" and "law on entry and exit of Abkhazia" became operational. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". Adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

15. So called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. Many ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of "foreigners" under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the freedom of movement, the right to property and labour rights. Under this so called "law" ethnic Georgians holding Georgians citizenship are deprived possibility to obtain residence permits and respective restrictive clauses prepared "legal" ground for persecution of ethnic Georgian families. During the reporting period, namely on 1st April 2016, the Public Defender of Georgia published "the Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015". According to this report, the adopted "regulations" will directly affect the population in Gali district; it is likely that many residents fail in meeting requirements of so called "Abkhazian citizenship", even the criteria of obtaining the residence permits and therefore may be forced to leave the place of permanent residence.[18]

16. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states (a) not recognizing so called "independence of Abkhazia" and (b) not having a "bilateral agreement" of visa free travel. Under this so called "law" any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defence and security or to public order. It should be emphasized that this so called "law", creates additional obstacles to representatives of international organizations leading to further isolation of the region.

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[17] *Russian Border Guards Installed New Banners in Kareli District*, 8 June 2016, available at <http://news.vitube.ge/index.php?page=single&id=43193&posttitle=qarelis_raionshi_rusma_mesazRvreebma_axali_baneri_daamontaJes>.

[18] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 123, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

17. According to "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia", made on 27th April 2016, "[t]he EU is deeply concerned about so-called laws "on the legal status of foreign citizens" and "on exit and entry", which recently entered into force. These so-called laws further enhance previous illegal activities of "borderization" that divide families and communities and is in breach of international law. It creates additional significant impediments for the people on the ground, depriving them from fundamental rights, including freedom of movement and property rights. We insist on a repeal of these so-called laws to ensure that local population is not discriminated on ethnic basis and once again call for removal of the fences and other obstacles to the freedom of movement, prevention of arbitrary detention of persons, including in the context of so called border crossing."[19]

New Wave of so called "Passportisation"

18. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

19. According to the information disseminated during the reporting period, distribution of so called "Abkhazian passports" is planned from 10th July 2016.[20] It should be recalled here that the process of so called "passportisation" in the occupied Abkhazia implies procession and distribution of 300 thousand new documents — 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300,000 documents were already processed in the Russian Federation by "Goznak" and their distribution was postponed several times.

20. The purpose of so called "passportisation" in the occupied Abkhazia is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25,000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[21] According to the information disseminated during the reporting period, "General Prosecutor" of the Sokhumi occupation regime declared that these "passports" were issued illegally and therefore are void.[22] According to the information disseminated on 12th April 2016, investigation by so called "Prosecutor's Office" of the Sokhumi occupation regime compiled around 500 volumes of materials on improper passport issuance

[19] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[20] *Dzapsha: New Abkhazian Passports will be Distributed from 10th July*, "Apsny", 20 June 2016, available at <http://apsny.ru/news/?ID=22876>; As for occupied Tskhinvali region, in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.

[21] *The Realm of the Possible — Finding ways forward in the Georgian-Abkhaz context: People in the Gal/I region*, Conciliation Resources, July 2015, pages 4 and 5, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>.

[22] *In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district*. "Apsnypress", 12 April 2016, available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-500-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>.

only in Gali district.[23] Nowadays it has become evident that "Abkhaz passports" of 25,000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

21. Since the commencement of distribution of so called "Abkhazian passports" is planned from 10th July 2016, the real impact of so called "passportisation" on ethnic Georgians residing in the occupied Abkhazia will become obvious from the above date. On the other hand, the implementation of so called "passportisation" from July 2016 is undoubtedly a precondition for the factual realization of the adopted so called "laws" on legal status of foreigners and on entry and exit. According to the information disseminated during the reporting period, it is planned to adopt around 40 so called "by-laws" in order to carry out this so called "passportisation".[24] Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Right to Life

22. The existing grave human rights situation in the occupied regions of Georgia was proved once again by the act of murder of Mr. Giga Otkhozoria, a 30-year-old resident of Gali district, committed on 19 May 2016 by so called "border guards" deployed along the occupation line. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the central government of Georgia.

23. CCTV footage of arbitrary deprivation of life of Mr. Giga Otkhozoria was released on 20th May 2016 (available at <https://www.youtube.com/watch?v=_lAGeGa_MvU>). Mr. Giga Otkhozoria was killed by several shots. The murderer was acting with its accomplices. The murderer of Mr. Giga Otkhozoria has been identified — Mr. Rashid Kanciogli.

24. On 19th May 2016, the Ministry of Foreign Affairs of Georgia issued a statement "concerning the fact of murder committed in the village of Khurcha, Zugdidi District, on May 19, 2016." According to the statement "this criminal act once again demonstrates the highly alarming situation in the occupied region of Abkhazia, Georgia and the full responsibility for it lies with the Russian Federation

[23] *In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district.* "Apsnypress", 12 April 2016, available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-500-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>.

[24] *Shamba: Ministry of Interior of Abkhazia should retain the function of distribution of passports*, "Apsny", 26 May 2916, available at <http://apsny.ru/news/?ID=22318&PAGEN_1=5>.

as with the power in effective control of the region."[25] The Ministry of Foreign Affairs of Georgia further stated that "the abovementioned criminal act clearly reaffirms the need of establishing international security mechanisms and of unhindered and continuous access of international human rights monitoring mechanisms in the occupied Abkhazia and Tskhinvali regions."[26]

25. On 20 May 2016, the European Union Monitoring Mission in Georgia (EUMM) made the following statement "EUMM can confirm the fatal shooting of a local man on 19 May at the Khurcha-Nabakevi crossing point on the Administrative Boundary Line. According to a preliminary assessment based on local witnesses, armed security actors from the Abkhaz side of the bridge crossed over to Tbilisi Administered Territory (TAT) and carried out the shooting."[27]

26. The international community reacted immediately to this blatant violation of the right to life. For example, on 21st May 2016, U.S. Embassy in Georgia made the following statement "[t]he United States condemns the fatal shooting of an unarmed man in the village of Khurcha, close to the Nabakevi Crossing Point on the Administrative Boundary Line (ABL). We extend our condolences and deepest sympathies to the family of the deceased and urge that a thorough and prompt investigation take place immediately and that those responsible for this tragedy be held accountable."[28] On 23rd May 2016, British Ambassador to Georgia Alexandra Hall Hall commented on incident in village Khurcha: "I am shocked and deeply saddened at the fatal shooting of Giga Otkhozoria on Thursday night in the village of Khurcha. I offer my deepest condolences to Mr Otkhozoria's family and friends. It is vital that those responsible are brought to justice and calm restored."[29] On 24th May 2016, Ms. Anna Fotyga, Chair of the Subcommittee on Security and Defence (SEDE) of the Committee on Foreign Affairs of the European Parliament stated that "a very disturbing incident took place on the ABL with Abkhazia, where a Georgian citizen was killed allegedly by the separatist Abkhaz "border guards". I

[25] *Statement by the Ministry of Foreign Affairs of Georgia concerning the fact of murder committed in the village of Khurcha, Zugdidi District*, on May 19, 2016, 19 May 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%AA%E1%83%AE%E1%83%90%E1%83%93%E1%83%94%E1%83%91%E1%83%90-2016-%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A1-I.aspx?CatID=5&lang=en-US>.

[26] *Ministry of Foreign Affairs published the First Quarterly Report for 2016 on the Human Rights Situation in the Occupied Regions of Georgia*, 6 June 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%98%E1%83%A0-(1).aspx?CatID=5>.

[27] *EUMM Statement on the Incident in Khurcha*, 20 May 2016, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/5416/?year=2016&month=8>.

[28] *U.S. Embassy Statement on Fatal Shooting of an Unarmed Man in the Village of Khucrha*, 21 May 2016, available at <http://georgia.usembassy.gov/news-events/emb_news2016t/21052016statement.html>.

[29] Available at <https://www.facebook.com/ukingeorgia/posts/1222950887723010>.

strongly condemn the crime and call for the Georgian authorities to conduct an investigation and bring the perpetrators to justice."[30] According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "the recent killing of a Georgian citizen by the so-called "border-guards" has further escalated the situation."[31]

27. It should be emphasized that the Prosecutor's Office of Georgia filed charges against Mr. Rashid Kanciogli for the premeditated murder of Mr. Giga Otkhozoria and criminal prosecution was launched under the Criminal Code of Georgia.[32] However Mr. Rashid Kanciogli and his accomplices fled to the occupied territory of Abkhazia immediately after the shooting (as clearly depicted on the CCTV footage) and therefore under these circumstances it is impossible for Georgia's Prosecutor's Office as well as for the courts of common jurisdiction of Georgia to deliver justice. On 20 May 2016, the Ministry of Foreign Affairs of the Russian Federation commented on the issue and declared that the Russian Federation has no connection to the act of murder of Mr. Giga Otkhozoria.[33] The above situation with regard to the violation of the right to life of Mr. Giga Otkhozoria once again demonstrates that the occupied territories of Georgia remain "black holes" in terms of holding the violators of human rights accountable. The above situation further reaffirms the need of immediate, unhindered and continuous access of international human rights monitoring mechanisms in the occupied territories of Georgia.

28. On 6th June 2015, Mr. Giorgi Kvirikashvili, the Prime Minister of Georgia made the following statement on the issue "more than 2 weeks have passed since the vicious crime that appalled all of us. Unfortunately, till this very moment we have not received information concerning the detention of the murderer of Giga Otkhozoria. It is outraging that this tragic fact has undermined the positive results attained throughout the confidence building process. Moreover, continuation of meetings within the frames of Incident Prevention and Response Mechanism becomes increasingly challenging. This fact will also hamper the dialogue under the umbrella of Geneva talks till the representatives of de facto Abkhaz Government remain stagnant in terms of detention of the murderer of Giga Otkhozoria. We consider Gali Incident Prevention and Response Mechanism to be a result of hard work. During the last meeting held within the frames of the said format our representatives handed all materials to the participants of the meeting, but unfortunately the result has not been attained yet. In the given case there is a risk that the murderer will be liquidated. Moreover, the party directly interested in the disruption of the confidence building process may accomplish this. Hence, we

[30] *I am concerned with the latest developments in Georgia — Anna Fotyga*, "IPN", 24 May 2016, available at <http://www.interpressnews.ge/en/politicss/78564-i-am-concerned-with-the-latest-developments-in-georgia-anna-fotyga.html?ar=A>.

[31] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[32] *The Prosecutor's Office Launches Criminal Proceedings on the Murder of Giga Otkhozoria*, "Prosecutor's Office of Georgia", 21 May 2016, available at <http://pog.gov.ge/eng/news?info_id=932>.

[33] *Comment of the Department for Information and Publishing of the MFA of Russia in connection to the incident on Georgian-Abkhazian Border*, "MFA of the Russian Federation", 20 May 2016, available at <http://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2288092>.

believe that much is at stake! We are facing enormous risks. The sole rational and correct action is to immediately arrest the murderer even within the frames of unilateral tools employed by de facto Abkhaz Government that we do not recognize. Of course, within the frames of Gali meeting we demanded prompt arrest of the criminal, but representatives of de facto Government of Abkhazia immediately linked this issue to the question of their status and referred to the nonexistence of the relevant legislative framework. Due to the urgent character of the issue we consider the arrest of the criminal to be vitally important. The confidence between the Georgians and the Abkhazians should be restored. Exemption from punishment of the perpetrator of such a violent crime will only open wounds. This only serves the interest of enemies of the Georgians and the Abkhazians. Therefore, we need a cool head approach to reintegrate this deadlock situation with joint efforts."[34]

III. Arbitrary Detention

29. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. Detention period can last several days or several months, in some cases several years. It should be emphasized that on 29th April 2016, Mr. Dimitri Iudin, General-Major, "Chief of the Russian FSB Border Guards in Abkhazia" publicly declared that for the last seven years the Russian FSB officers detained 14,000 people for so called "illegal border crossing" and more than 2,000 people were detained for so called "violation of border regime".[35]

30. During the reporting period numerous cases were reported on arbitrary detention in the occupied regions of Georgia. Below are only few examples.

31. On 14th April 2916, 5 citizens of Georgia were detained by the Russian FSB officers for so called "illegal border crossing" nearby of the occupation line with Tskhinvali region. All detainees were transported to the direction of Tskhinvali.[36]

32. On 23rd April 2016, a 17-year-old resident of the village of Tsitelubani, Gori district, was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The resident of the village of Tsitelubani was in pasture fields for cattle grazing, however he did not cross the occupation line. The Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the occupied Tskhivali region.[37]

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[34] *Statement of the Prime Minister concerning the murder of Giga Otkhozoria in village of Khurcha*, 6 June 2016, available at <http://gov.ge/index.php?lang_id=ENG&sec_id=440&info_id=56007>.

[35] *The Russian FSB Border Guards Service in Abkhazia commemorates 7th anniversary from its establishment*, "apsnypress", 29 April, 2016, available at <http://www.apsnypress.info/news/pogranupravlenie-fsb-rossii-v-abkhazii-prazdnuet-sedmuyu-godovshchinu-so-dnya-obrazovaniya/>.

[36] *5 Citizens of Georgia detained in "South Ossetia"*, "Timer", 18 April 2016, available at <http://www.timer.ge/okupirebul-samkhreth-osethshi-saqarthvelos-khuthi-moqalaqe-daakaves/>.

[37] *A 17-year-old youngster was abducted from the village of Tsitelubani*, "Ambebi", 23 April 2016, available at <http://www.ambebi.ge/samartali/161977-sofel-tsitelubnidan-17-tslis-akhalgazrda-gaitaces.html>.

33. On 20th April 2016, around 10 residents of Gali district were detained by the Russian FSB officers along the occupation line with Abkhazia for so called "illegal border crossing". All detainees were immediately transported by the Russian FSB officers to so called Gali detention centre. Among the detainees there were several minors. The Russian FSB officers detained these individuals on the suspicion that they were residents of Zugdidi, located on the territory controlled by the central government of Georgia. However, after a while all detainees were released.[38]

34. On 13th May 2016, 9 residents of the village of Korbouli, Sachkhere district, were detained by the Russian FSB officers for so called "illegal border crossing" while they were harvesting "jonjoli".[39] All detainees were transported to the Tskhinvali detention centre.[40]

35. On 19 May 2016, in the village of Speti, Sachkhere municipality, 4 residents were detained in their village for so called "illegal border crossing". These 4 persons were transporting honey bee boxes in their village, in the vicinity of the occupation line, when they were detained.[41]

36. On 1st June 2016, a 65-year-old resident of the village of Kere, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The detainee did not cross the occupation line; the Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the direction of Tskhinvali.[42]

IV. Freedom of Movement

37. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. Below are only few examples.

38. On 15th April 2016, "Tagiloni" crossing point along the occupation line with Abkhazia was closed. It was operating on a bridge over the River Enguri along the

[38] *Russian Militaries released 10 people detained near Khurcha*, "Smoge", 20 April 2016, available at <http://www.smoge.org/rusma-samkhedroebma-khurchis-sazghvarthan-dakavebuli-athi-adamiani-daukhonebliv-gaathavisupla/>.

[39] May is the month for the "Jonjoli" harvest in Georgia. "Jonjoli" or bladdernut is a shrub that grows wild in areas adjacent to the occupation line. "Jonjoli" is used for cooking in Georgia and is sold in markets; it constitutes the main source of income for some people living in villages.

[40] *Russian Militaries detained 9 persons*, "Kvira", 13 May 2016, available at <http://kvira.ge/%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%94%E1%83%93%E1%83%A0%E1%83%9D%E1%83%94%E1%83%91%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0/>.

[41] *Ossetian Militaries detained in the village of Speti 4 residents of the village*, "Kvira", 20 May 2016, available at <http://kvira.ge/%E1%83%9D%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A8%E1%83%94%E1%83%98%E1%83%90%E1%83%A0%E1%83%90%E1%83%A6%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%9B%E1%83%90-%E1%83%9E%E1%83%98%E1%83%A0%E1%83%94%E1%83%91/>.

[42] *A 65-year-old resident of the village of Kere was abducted by occupants*, "Newpost", 1 June 2016, available at<http://www.newposts.ge/?l=G&id=109982-%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94%E1%83%91%E1%83%90,%20%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98>.

occupation line with Abkhazia.[43] After the closure of "Tagiloni" crossing point, five other crossing points remain operational along the occupation line with Abkhazia.[44] It was declared on 15th April 2016 by a representative of Sokhumi occupation regime that gradually all remaining crossing points along the occupation line with Abkhazia would be closed except the main one — "Enguri" crossing point. It was recalled by the same representative of Sokhumi occupation regime that closure of all operational crossing points, except the main one, was the pre-electoral campaign pledge of the team of Mr. Khajimba.[45] It should be emphasized that on 18th April 2016, Mr. Dimitri Iudin, Chief of the Russian FSB Border Guards in the Abkhazian region personally reported to Mr. Khajimba on the demolition by the Russian FSB officers of "Tagiloni" crossing point bridge and on the planned construction of a fence on the vicinity of the former "Tagiloni" crossing point.[46] According to some reports, the closure of "Tagiloni" crossing point deteriorated the already grave situation for local residents.[47]

39. On 29th June 2016, Mr. Khajimba, when visiting villages of Gali district, publicly declared that "the decision had been made to close down additional crossing points over the River Enguri and to boost border and customs services on "Enguri" crossing point".[48]

40. In an interview Mr. Dimitri Stateionov, a Russian journalist working in the occupied region of Abkhazia declared that in the Abkhazian region there are "border zones" in the vicinity of the occupation line and there are limitations on freedom of movement for people residing in the Abkhazian region in terms of entering these territories; there is a need to have special "permit" issued by so called "State Security Service of Abkhazia" in order to enter these "border zones". According to the journalist, violation of this regime is followed by detention by the Russian FSB officers as it was case with himself when paying professional visit in one of the villages in Gali district considered as "border zone".[49]

41. It should be emphasized that during the reporting period, namely during the Orthodox Easter holiday on 1st and 2nd May 2016, Georgians living the different sides of razor wire and barbed wire fences along the occupation line were denied the

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[43] *Along the Border between Abkhazia and Georgia one of the five bridges is closed*, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>.

[44] *Crossing Point was closed on so called Tagiloni-Shamgoni border*, "Livepress", 18 April 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14446.html>.

[45] *Along the Border between Abkhazia and Georgia one of the five bridges is closed*, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>.

[46] *President Raul Khajimba met with Dimitri Iudin, General-Major*, Chief of the Russian FSB Border Guards in Abkhazia, "apsnypress", 18 April 2016, available at <http://www.apsnypress.info/news/raul-khadzhimba-prinyal-nachalnika-pogranupravleniya-fsb-rossii-v-abkhazii/>.

[47] *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 18 April and 23 April 2016, p. 4.

[48] *President Raul Khajimba visited on working tour Gali district*, "Apsnypress", 29 June 2916, available at <http://www.apsnypress.info/news/prezident-raul-khadzhimba-posetil-s-rabochey-poezdkoy-galskiy-rayon/>.

[49] *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 18 April and 23 April 2016, pp. 4-7.

right to celebrate Easter according to the established tradition. According to the Women's Information Center (WIC) "colored eggs, cake and a bottle of communal wine are traditional for Easter in Georgia. We wanted to bring these special items to the Valishvili family and remind them that they are not alone. Of course, the Russian military personnel don't like when they have Georgian 'guests' gathering at the barbed wire fence." It has been further noted that by WIC that "dozens of cemeteries and historic churches are separated from their villages after the Russians installed barbed wire fences along the Administrative Boundary Line after the 2008 war."[50] During the Orthodox Easter holiday internally displaced persons (IDPs) were deprived the possibility to visit churches and graveyards on the other side of the occupation line.[51]

V. Right to Property

42. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to the information disseminated by "the Peace Foundation" on 11th May 2016, the Russian occupying forces exert influence on local population through various means, including through destruction/burning of their properties.[52] It should be emphasized that during the reporting period the United Nations General Assembly adopted a resolution stressing "the need to respect the properly rights of all internally displaced persons and refugees affected by the conflicts in Georgia and to refrain from obtaining property in violation of these rights".[53]

43. As already described in section "introduction" of the present report, during the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" in the vicinity of the village of Avlevi, Kareli district. By the installation of these new banners agricultural plots of lands being in private possession of local residents appeared beyond new markers and access to these lands was blocked for them.[54]

44. On 10th May 2016, a person was travelling from the territory controlled by the central government of Georgia through a crossing point along the occupation line with Abkhazia. At the crossing point, the person was stopped and a certain amount

[50] *Easter a Melancholy Affair for Those Divided By Russian-built S. Ossetian Border Fence*, "Georgian Journal", 4 May 2016, available at <http://www.georgianjournal.ge/politics/32479-easter-a-melancholy-affair-for-those-divided-by-russian-built-s-ossetian-border-fence.html>.

[51] *IDPs from the occupied territories were deprives possibility to visit graveyards on the other side of so called border*. "Ambebi", 2 May 2016, available at <http://www.ambebi.ge/conflicts/162584-okupirebuli-teritoriebidan-devnil-mosakhleobas-ets-sazghvris-mighma-darchenili-saflavebis-monakhulebis-sashualeba-ar-mieca.html>.

[52] "The Peace Foundation", 11 May 2016, available at <https://www.facebook.com/ThePeaceFoundationHQ/photos/ms.c.eJxFzcERwCAIRNGOMsKyq~;TfWAyOxJtvPmAORMYMaSFcjxUQ~;gG0LpAFwQvKMUxSA9cpv1vv1~;tdiAS4p3op7FzJ~;2wV6KWBKjgbWIX7C9DiJbg~-.bps.a.1233493623350205.1073741910.1076144122418490/1233494746683426/?type=3&thea>.

[53] Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia. A/RES/70/265, paragraph 2.

[54] *Russian Border Guards installed new Banners near the village of Avlevi*, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-sheiaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>.

of vegetables he was transporting was seized and thrown away. On the same day, all people transporting various agricultural products of Turkish origin to occupied Abkhazia from Zugdidi market, the territory controlled by the central government of Georgia, were stopped and all products seized.[55]

45. On 11th May 2016, a truck travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The truck and its cargo (construction sand) belonged to residents of the village of Zardiantkari, Gori district, the territory controlled by the central government of Georgia. The truck and the cargo (construction sand) were seized for so called "illegal border crossing".[56]

46. On 30th June 2016, a vehicle travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The car was transporting agricultural products amounting to 850 kilograms. The car and agricultural products belonged to a resident of Akhalgori district, the occupied territory of Tkshinvali region. 850 kilograms of agricultural products were seized for the reason of "exceeding the amount of allowable transportable products (maximum 50 kilograms)" along the occupation line and the fine was imposed.[57]

VI. Right to Education in the Native Language

47. According to the EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia, made on 27th April 2016, "The EU expresses its concern at reports on a continuing deterioration of the access to education in the native language in the Georgian region of Abkhazia. We strongly believe that the right to education for everyone, including education in the native language should be guaranteed and applied in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia as well."[58]

48. According to the report of the Public Defender of Georgia, published during the reporting period, "switching to the teaching in Russian language seriously deteriorated the quality of education. According to the information of the Public Defender, some families had to leave their place of residence and had to move children in the area controlled by Georgia to continue their studies in their native language".[59]

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[55] *Georgian tomatoes and cucumbers cannot be transported to Abkhazia*, "Livepress", 10 May 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14622-afkhazethshiqarthulikitridapomidorivegharsheaqvth.html>.

[56] *Violators tried to bring from Georgia to South Ossetia construction sand*, "sputnik-ossetia", 11 May 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160511/1881085.html>.

[57] *Transporter of agricultural products was fined in South Ossetia*, "sputnik-ossetia", 30 June 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160630/2440886.html#ixzz4D9fBRKjJ>.

[58] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[59] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

49. It should be recalled here that in the Gali district there are 31 schools.[60] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[61] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[62] This policy, if continued for several years, will result in gradual replacement of the Georgian curriculum with the Russian curriculum for all grades in these 11 schools of "lower zone" of Gali district. According to the Public Defender of Georgia "in the nearest future studying in Georgian in the Gali district schools will stop."[63]

50. In addition, according to the information disseminated during the reporting period, already in five to seven grade classes the Russian language has been dominating over the Georgian language and in eight to eleven grade classes all subjects are taught in the Russian language and only two hours are allocated to the Georgian language and literature.[64]

51. On 5th June 2016, so called "Deputy Minister for Education" of the Sokhumi occupation regime declared that "all schools of Gali district will be transformed to the Abkhaz standards" and "it is necessary to cease process of the Georgian curriculum teaching".[65] According to the same source, "the main challenge is to prepare teachers for that, since many of them do not have adequate knowledge of

[60] By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools; from 4,459 pupils, 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 27 July and 2 August 2015.

[61] *The Realm of the Possible -- Finding ways forward in the Georgian-Abkhaz context: People in the Gal/i region*, Conciliation Resources, July 2015, page 10, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>; *Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts*, 5 June 2015, page 26, available at <http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>.

[62] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. *A special Report of the Public Defender of Georgia — The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016*, "Public Defender of Georgia", October 2015, page 4 and 5, available at <https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>; In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[63] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

[64] *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 11 April and 17 April 2016, p. 13.

[65] *Gali Pupils will be taught according to Abkhaz standards*, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

the Russian language, noting to say about their ability to teach in the Russian language."[66]

52. According to the information disseminated during the reporting period, the situation in 11 schools of Gali district changed dramatically, namely forceful teaching in the Russian language affected negatively the quality of learning; so called "governmental officials" enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; school teachers are warned that they would be dismissed if using the Georgian language; disobeying teachers are accused of unconstitutional behaviour and dismissed, some of them were even forced to leave the place of permanent residence in Gali district; the Georgian songs and dances are banned; there are many cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line — there were 65 such cases during the academic year 2015-2016 so far known.[67]

VII. Conclusions

53. It can be concluded that the act of murder of Mr. Giga Otkhozoria during the reporting period violated the right to life, namely Article 6 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 2 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

54. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.

55. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.

56. It can be concluded that the situation described in the occupied regions of Georgia with regard to the right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration

[66] *Gali Pupils will be taught according to Abkhaz standards*, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

[67] *Joint Meeting of the Temporary Commission for Territorial Integrity, Committees for Foreign Relations, Education, Culture, Diaspora and Caucasus Issues*, "Government of Autonomus Republic of Abkhazia", 19 April 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7111>; *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 11 April and 17 April 2016, pp. 13-14.

of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

57. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.

58. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

59. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[68]

VIII. Appeal to the International Community

60. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to intensify calling on the Russian Federation, as the power in effective control, to ensure that Mr. Rashid Kanciogli and its accomplices, responsible for arbitrary killing of Mr. Giga Otkhozoria are brought to justice;

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

(i) *the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia,*

[68] *Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia*, A/RES/70/265. See also previous resolutions: 69/286 of 3 June 2015; 68/274 of 5 June 2014; 67/268 of 13 June 2013; 66/283 of 3 July 2012; 65/287 of 29 June 2011 etc.

(ii) *the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia,*

(iii) *the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia,*

(iv) *the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".*

to continue calling on the Russian Federation to allow (a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; (b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as the right to life; freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

United Nations S/2016/726

Security Council

Distr.: General
26 August 2016

Original: English

Letter dated 18 August 2016 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to refer you to the letter dated 16 August 2016 from the General Coordinator of the High Negotiations Committee, Riad Hijab (S/2016/719, annex, enclosure).

I should be most grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) Matthew **Rycroft**

16-14881 (E) 010916

Please recycle

United Nations A/70/1023–S/2016/727

General Assembly
Security Council

Distr.: General
23 August 2016
English
Original: Arabic

General Assembly
Seventieth session
Agenda item 37
The situation in the Middle East

Security Council
Seventy-first year

Identical letters dated 19 August 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to inform you that Israeli occupying forces persist in violating the sovereignty of Lebanon and continue not to comply with all relevant international resolutions, including Security Council resolution 1701 (2006). This is most clearly demonstrated by what those forces are doing in the occupied Lebanese part of Ghajar town and the Shab'a Farms.

In Ghajar, the occupying forces are imposing new regulations and laws in the occupied part of the town and on its inhabitants that compel them to pay taxes. Meanwhile, they are building colonial settlement blocks.

In the occupied Shab'a Farms, the occupying forces have begun to build roads and infrastructure.

I should like to reiterate that my Government honours its commitments under international resolutions. On behalf of my Government, I call on the Security Council to condemn this attack in the strongest possible terms and compel Israel to bring an end to its violations of Lebanese sovereignty by air, sea and land, and fulfil all of its obligations under Security Council resolution 1701 (2006).

I should be grateful if the present letter could be circulated as a document of the seventieth session of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

16-14640 (E) 250816 260816

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United Nations A/70/1022–S/2016/728

General Assembly
Security Council

Distr.: General
23 August 2016

Original: English

General Assembly
Seventieth session
Agenda item 34 (b)
Prevention of armed conflict: strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution

Security Council
Seventieth year

Letter dated 19 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the commentary of the Ministry of Foreign Affairs of Ukraine on the illegal visit of the President of the Russian Federation, Vladimir Putin, on 19 August 2016 to the temporarily occupied Autonomous Republic of Crimea, Ukraine (see annex).

I would appreciate your having the present letter and its annex distributed as a document of the General Assembly, under agenda item 34 (b), and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

16-14633 (E) 250816

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Annex to the letter dated 19 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the illegal visit of the President of the Russian Federation, Vladimir Putin, to the temporarily occupied Autonomous Republic of Crimea, Ukraine

The Ministry of Foreign Affairs of Ukraine expresses its strong protest against the visit by the President of the Russian Federation, Vladimir Putin, to the Ukrainian territories on 19 August 2016 that was not coordinated with the Ukrainian side.

Yet another visit by a Russian official to the Autonomous Republic of Crimea, which is an integral part of Ukraine, proves the continuous neglect by the Russian Federation of the Charter of the United Nations, General Assembly resolution 68/262, entitled "Territorial integrity of Ukraine", the Baku Declaration as well resolutions of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe and other principles and norms of international law.

The Ministry of Foreign Affairs of Ukraine has repeatedly emphasized the inadmissibility of uncoordinated visits by Russian officials to the sovereign territory of Ukraine within its internationally recognized borders, which includes the Autonomous Republic of Crimea and the city of Sevastopol. Attempts by the Russian officials to interpret these "trips" to Ukraine as "domestic visits" are null and void.

United Nations S/2016/729

Security Council

Distr.: General
18 August 2016

Original: English

Report of the Secretary-General to the Security Council on the United Nations Mission in Colombia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2261 (2016), in which the Council requested that I present detailed recommendations regarding the size, operational aspects and mandate of the United Nations Mission in Colombia within 30 days of the signing of the ceasefire agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP). It follows my letters dated 4 March and 22 July 2016 (S/2016/211 and S/2016/643). In the latter, I requested an extension until 19 August of the original deadline given in resolution 2261 (2016) to present my recommendations, owing to the postponement of the scoping visits by the Government, FARC-EP and the Mission to the proposed local monitoring and verification sites.

II. Mandate

2. On 23 June 2016, the Government of Colombia and FARC-EP signed the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities and Laying down of Arms. The Agreement reaffirmed the mandate outlined in their joint communiqué No. 65, which was conveyed by the President of Colombia, Juan Manuel Santos Calderón, to me and to the President of the Security Council in identical letters dated 19 January 2016 (S/2016/53) and which provided the basis for resolution 2261 (2016). As part of its overall responsibility for international verification of the Agreement, the United Nations Mission will assume responsibility for the verification of the laying down of arms. It will coordinate the national, regional and local headquarters of a tripartite monitoring and verification mechanism with the participation of the Government, FARC-EP and the United Nations, which will monitor and verify implementation of the ceasefire and cessation of hostilities. The Mission will be responsible for settling disputes between the parties and will formulate recommendations with regard to the implementation of the ceasefire and cessation of hostilities and the laying down of arms. Finally, it will report independently on compliance with the commitments made by the parties in the Agreement.

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III. Developments

3. On 5 August 2016, the delegations of the Government of Colombia and FARC-EP to the peace talks under way in Havana agreed on a number of protocols concerning the implementation of the Agreement, in relation to both the ceasefire and the cessation of hostilities, and the laying down of arms. The protocols were developed in consultation with the Mission, which has expressed its satisfaction with their quality. They include, in particular, the rules that each party is committed to observing under the ceasefire and cessation of hostilities. The rules include provisions on the separation of forces, the unhindered activities of the monitoring and verification mechanism and the cessation of hostilities between the parties, including hostile propaganda. They also include provisions that prohibit any act or threat of violence against the civilian population, in particular gender-based violence; and any action undermining the population's human rights and basic freedoms. The protocols provide detailed provisions to guide the work of the mechanism, including reporting standards, the settlement of disputes and a code of conduct common to all mechanism members. Finally, the protocols contain a broad set of security procedures applying to different phases of the process, the mechanism personnel, government delegates and civil servants, the members of FARC-EP and the civilian population.

4. Both parties have underlined the importance of the Mission's role in bringing impartial information on the process to the broadest possible audience. At the national level, the Mission's leadership has been sharing positive assessment by the United Nations of the Agreement and its verification procedures with representatives of institutions, political parties, the Catholic Church, civil society, women's organizations and ethnic groups. Efforts to explain the Agreement, the mandate of the Mission and the role of the monitoring and verification mechanism have also been undertaken in the departments and municipalities, where Mission staff have been meeting with Governors, mayors and organizations representing civil society, women and indigenous and Afro-Colombian groups. This first round of dialogue has confirmed the importance of providing detailed information on the implementation of the Agreement and the ongoing preparatory work. Through continuing liaison with authorities and civil society, the Mission will play an important role in addressing questions, dispelling misgivings and responding to the eagerness of national actors, particularly in the conflict areas, to be taken into account.

5. At this point, I want to express my gratitude to the United Nations country team, and, in particular, to the United Nations Development Programme, whose extensive peace programme has paved the way for the building of peace, particularly in the interior of the country. The agencies, funds and programmes have spared no effort to support the establishment of the Mission. In the regions, their staff have used their good offices to introduce the Mission to the local population and authorities, and generously lent the legitimacy they have gained over the years to help build the credibility of the Mission throughout the country. The country team has already made many important contributions to the peace process. I salute the important role that it will continue to play in promoting peace in Colombia.

6. From 8 to 15 August, tripartite delegations including representatives of the Government of Colombia, FARC-EP and the Mission, accompanied by delegates of the International Committee of the Red Cross and the guarantor countries of the

peace process (Cuba and Norway), carried out visits to the transitional local zones for normalization and transitional local points for normalization where the separation of forces and the laying down of arms is to take place. The United Nations party included a senior observer, a representative of the Department of Safety and Security and a logistics officer. The primary goal of the exercise was to agree on the physical boundaries of those areas so that the zones and points and the security zones around them could be effectively observed by the monitoring and verification mechanism. In addition, the delegations sought to determine the area where the local headquarters of the mechanism would be established, and to ascertain the logistical and security challenges involved in the implementation of the Agreement, in particular in terms of physical access to the zones, radio and telephone communications, life support services and basic security conditions. While the security conditions have proved generally conducive in the zones and points, the lack of infrastructure, basic life support services and communication will be a significant challenge to the deployment of the mechanism and the Mission at the local level.

7. The tripartite delegations were, on most visits, joined by representatives of the municipal authorities. Led by the delegate from the Government's High Commissioner for Peace, interaction took place with local authorities, civil society organizations and community members, all of whom expressed their desire to be kept fully informed and their positive attitude towards the implementation of the Agreement. Several adjustments to the initial plans were proposed, including on the basis of concerns raised by indigenous authorities. The exercise brought together the members of the Government, FARC-EP and the Mission who will be working side by side in the observation of the ceasefire. It was a positive experience, which will be further reinforced during the joint training exercise to be held in the coming weeks. Overall, this complex logistical and political undertaking proved very successful and augurs well for further preparation for the implementation of the Agreement.

IV. Tasks

8. As I mentioned in my letter of 22 July 2016, the broad parameters of the Mission will be informed by the terms of the Agreement on a Bilateral and Definitive Ceasefire and Cessation of Hostilities and Laying Down of Arms.

Verification of the laying down of arms

9. The laying down of arms will require the United Nations to engage in the following tasks, related to a number of overlapping processes, as follows:

(a) The first task, which is to be completed within 30 days of the entry into force of the Agreement, will consist of verifying the retrieval by FARC-EP of collective weapons, grenades and munitions and their transportation to their camps.

(b) The second task, which is to be completed within 60 days of the entry into force of the final peace agreement, will consist of verifying the destruction by FARC-EP of unstable weapons in the areas where their units were deployed prior to the movement to the transitional local zones and points for normalization. This will

be particularly challenging. In most cases, it is anticipated that these verification tasks will be carried out by United Nations observers with the appropriate expertise who will be based in the eight regional headquarters at which the monitoring and verification mechanism and the Mission will be co-located.

(c) The third task will consist of monitoring individual and collective weapons held by FARC-EP in their camps in the transitional local zones and points for normalization. This task will be carried out by United Nations observers permanently based in those camps.

(d) The fourth task, from day 60 to day 150 after the entry into force of the final peace agreement, will consist of receiving individual and collective weapons, grenades and munitions from FARC-EP and storing them in containers or equivalent secure facilities under permanent United Nations observation. The process of receiving individual weapons will unfold sequentially and will be concluded by day 150, when all weapons, grenades and munitions will be in containers. This task will be carried out by United Nations observers assigned to a single camp in each transitional local zone and point for normalization where weapons and ammunition containers will be placed.

(e) The fifth task will consist of transporting the weapons out of the transitional local zones and points for normalization following the destruction of ammunition and the decommissioning of weapons.

Throughout the process, United Nations observers at the regional and national level will be dedicated to processing information relating to the monitoring and verification of the laying down of arms and to supporting local United Nations observers, using secure storage and backup for sensitive information related to weapons and ammunition collection, classification and disposal. They will be responsible for ensuring that, in accordance with the Agreement, the mechanism is kept properly informed. At the end of the process, the Mission will certify the completion of the laying down of arms, and inform the Government, the Security Council and the public accordingly.

Observation of the ceasefire and coordination of the tripartite monitoring and verification mechanism

10. The Mission is the international component and coordinator of the tripartite monitoring and verification mechanism responsible for the monitoring of the ceasefire. Detailed discussions with the Government of Colombia and FARC-EP have led to an agreement on the tasks, structure and composition of the mechanism at all levels. The bulk of the activities of the mechanism will take place at the local level, where it will monitor compliance with the rules of the ceasefire and cessation of hostilities by deploying tripartite monitoring teams. The tripartite teams will be based in the local mechanism headquarters and will carry out five basic tasks as follows:

(a) Organizing the operations of the mechanism, taking into account the coordination of tasks, threat analysis and logistical requirements.

(b) At the start of the ceasefire process, from day 5 to day 30 of the entry into force of the Agreement, monitoring the redeployment of army units and the movement of FARC-EP units to the transitional local zones and points for normalization along agreed routes.

(c) Monitoring the transitional local zones and points for normalization and visiting FARC-EP camps.

(d) Monitoring the security zones around the transitional local zones and points for normalization, and visiting redeployed army units.

(e) Visiting neighbouring population centres, when such centres exist in the vicinity of the transitional local zones and points for normalization, in order to interact with the local population and authorities.

11. Precise guidelines have been agreed upon to help the tripartite teams carry out their functions, including the assessment of incidents and the preparation of reports. According to the Protocols, the primary sources of these reports will include local authorities, churches, local leaders, civil society, women's organizations and local human rights committees.

12. Monitoring by the monitoring and verification mechanism teams will be proactive: not only will they report on possible incidents, they will also seek to bring any situation of non-compliance back into line with the implementation of the provisions on the ceasefire and cessation of hostilities. A strong code of conduct, including on aspects related to the prevention of sexual exploitation and abuse, has been approved, which supplements the rules of behaviour of each component.

13. The United Nations coordinator of the local headquarters of the monitoring and verification mechanism will organize with his or her counterparts the daily tasking of the monitoring teams. For the purpose of ensuring appropriate logistical support to the transitional local zones and points for normalization, a small unit coordinated by a United Nations observer will bring together a representative from the Government, who will assume the main responsibility for the logistical chain, and a representative of FARC-EP. As indicated above, United Nations observers will bear the specific responsibility of helping resolve disputes between the parties if they should arise, and making recommendations to ensure better compliance with the Agreement. Differences between the parties that cannot be resolved at the local headquarters level will be referred to the regional headquarters and ultimately to the national headquarters.

14. The monitoring and verification mechanism will be deployed in eight regional headquarters. In addition to resolving disputes that may arise in the transitional local zones and points for normalization under their supervision, regional headquarters will perform communication, threat analysis, operations, planning and logistical coordination functions. At the regional level, the mechanism headquarters will also interact regularly with authorities, communities and civil society organizations that may wish to share their views and proposals.

15. The national headquarters of the monitoring and verification mechanism, located in Bogotá, will lead the tripartite mechanism. Like the regional headquarters, it will perform communication, threat analysis, operations, planning and logistical coordination functions. Public pronouncements will be issued only at the national level. An investigation team with expertise in a variety of fields will be available to local and regional headquarters to investigate alleged violations of the ceasefire and cessation of hostilities. Information on the implementation of the ceasefire and cessation of hostilities across the country will be compiled and analysed, and periodic public reports will be issued. The national mechanism headquarters in Bogotá will interact regularly with authorities and civil society organizations.

V. Mission structure and size

16. On the basis of the mandate of the Mission as set out in resolution 2261 (2016), the Agreement and the Protocols thereto, the knowledge gained during the Mission's preparatory work since February 2016 and the experience of previous United Nations verification missions, and following a structured planning process, I recommend the following structure and size for the United Nations Mission in Colombia so that it can carry out its functions fully and effectively.

Overall structure

17. Overall political responsibility for the international verification of the Agreement, and for the dispute resolution, recommendation and reporting functions of the Mission will rest with my Special Representative and Head of Mission. He will be supported by a Deputy Special Representative, a Chief Observer, a Director of Mission Support and a Chief of Staff. The Office of the Special Representative will require capacity across five areas: reporting, planning, information management and analysis, public information and liaison with national actors. These functions will require a relatively small number of staff, based in Bogotá.

18. Under the leadership of the Special Representative, the Mission will comprise four components, covering observation, coordination and substantive support, field support and security.

United Nations observer component

19. The United Nations observer component will be headed by the Chief Observer, who is responsible for the tasks of the Mission relating to the laying down of arms. The Chief Observer will serve as coordinator of the monitoring and verification mechanism, and as such will also bear responsibility for the verification of the ceasefire and cessation of hostilities. The full functions of the observer component are outlined in the section above on tasks. To fulfil its tasks, the Mission is estimated to require about 40 observers at the national level, 90 observers at the regional level and 320 observers at the local level. Overall, the Mission will require about 450 observers, in addition to a number of civilians who will be deployed in the transitional local zones and points for normalization.

Coordination and substantive support component

20. The Mission will operate in 40 widely dispersed locations: a national headquarters, 8 regional headquarters and the 23 transitional local zones for normalization and 8 transitional local points for normalization established under the Agreement. It will include international observers, national and international civilian staff and United Nations Volunteers. The Mission will require effective operation and coordination of field offices to ensure that all parts of the Mission are able to provide timely and effective support to the activities of the observer component. In addition, the Mission staff will be coordinating closely with the United Nations country team. The coordination and substantive support component will also provide support to the Mission on training, legal affairs, conduct and discipline and gender mainstreaming.

Field support component

21. The provision of logistical and administrative support to the Mission presents some peculiarities. As previously mentioned, the Mission will have a number of activities that it undertakes independently of the monitoring and verification mechanism, such as the verification of the laying down of arms. At the same time, as part of the mechanism, it will undertake operational activities alongside representatives of the Government of Colombia and FARC-EP at all levels, national, regional and local. For both sets of activities, given the level of services available in Colombia, the Mission's policy will be to rely as much as possible on qualified service providers, facilitated by either the Government or the Mission, upon the basis of comparative advantage in terms of time and cost. For example, the Government is well placed to facilitate the provision of vehicles for the mechanism and the Mission owing to a pre-existing large-scale vehicle contract, whereas the Mission is in a position to facilitate the provision of radio equipment owing to a global service contract already in place with the Department of Field Support. A letter of assist setting out the scope and description of logistical and administrative support to be provided by the Government of Colombia and by the Mission to the mechanism, and by the Government to the Mission is currently being drafted, following extensive discussions between the United Nations and the Government of Colombia in technical working groups, as well as consultations with FARC-EP that started in May 2016.

22. For services that the United Nations is in a position to deliver, every effort is made to utilize local service providers and existing capacity within the United Nations country team. Considering the difficulty of access and the lack of basic services in some of the areas, the Mission will seek solutions of a temporary nature or those that build upon existing infrastructure. This approach will facilitate timely activation, minimize costs and, where feasible, also support local communities.

23. The scoping visits of the transitional local zones and points for normalization outlined below have revealed the formidable challenges that lie ahead in developing infrastructure to support the deployment of the observer teams and then sustaining them operationally for the duration of their tasks. Several transitional local zones and points for normalization are located in difficult-to-reach areas with no access to electricity, communications or potable water. Some of these locations are inaccessible by road and can be reached only by river systems or by helicopter. In some cases, the ability to reach locations even by helicopter is limited by extremely high terrain and difficult weather conditions. While the result of the scoping visits was clearly positive and an initial support concept for local headquarters for the monitoring and verification mechanism is under development, detailed support planning and validation will be required before the resource implications of operating in such an environment are fully understood.

24. While every effort has been made to ensure that the mission support footprint remains as light as possible, the challenge of servicing 40 locations in terrain as wide-ranging as tropical rainforest, mountains and riverine and coastal plains in a geographically large country will require a flexible and adept mission support component that has sufficient integral resources to support implementation of the mandate.

Security component

25. The Government of Colombia, specifically the National Police of Colombia, will assume responsibility for the security of the monitoring and verification mechanism and the Mission at large. Through a unified security structure, the Department of Safety and Security will provide operational support and advice relating to the United Nations security management system policies and procedures, in close cooperation and liaison with the Colombian authorities.

26. The security management system will be covering both the country team and the Mission with a unified security structure, under the responsibility of a designated official. The Chief Security Advisor/Chief Security Officer will report to and be the principal adviser to the designated official. In addition, the Chief Security Advisor/Chief Security Officer will advise the Special Representative on operational matters that relate to the Mission's security.

27. Security officers will be posted in each regional office to monitor the situation continuously and ensure that security management system standards are applied under the responsibility of the field security coordination officers. The security officers will provide security support to the observers in the teams for the transitional local zones and points for normalization. Mission security focal points are to be appointed in each transitional local zone and point for normalization in order to enable permanent liaison and coordination with the security officers.

28. The field security coordination officers participated in the six tripartite teams that conducted simultaneous scoping visits to the transitional local zones and points for normalization. The projected risk levels for most of the relevant threats identified (attacks by spoilers, crossfire and social unrest) are deemed acceptable, providing that the relevant risk management measures are fully implemented. Regarding the threat of land mines, residual anti-personnel mines may be a risk in some zones. A comprehensive report is being prepared by the Department of Safety and Security to update the risk analysis for this particular threat and, if necessary, include additional proposed security risk management measures.

Geographical deployment

29. Given the role of the Mission as the international component and coordinator of the monitoring and verification mechanism, the offices of the Mission and the mechanism will be co-located, even though a number of the Mission's functions and tasks are carried out independently of the mechanism. In keeping with the parties' agreement on the regional deployment of the mechanism in eight cities that provide the most convenient access to the transitional local zones and points for normalization, the Mission will have eight regional offices co-located with the regional headquarters of the mechanism in those cities: San José de Guaviare, Florencia, Popayán, Villavicencio, Medellín, Quibdó, Bucaramanga and Valledupar. The leadership of the regional offices will comprise a civilian Head of Office and the most senior United Nations observer in the region, who will act as the coordinator of the regional headquarters of the mechanism. In addition, the regional offices will include about 11 observers and 9 civilian staff in charge of liaison, public information, security and mission support.

30. The Mission will seek to ensure that the regional offices are equipped with liaison and public information staff to respond fully to the keen interest of regional actors in information and dialogue. This will supplement and reinforce the monitoring and verification mechanism's own commitment in this respect.

Participation of women

31. The Mission in Colombia is committed to maximizing the number of women in all functions and positions. In spite of the laudable effort by some of the observer-contributing countries, the Mission is at present very far from the goal of 20 per cent of observers that was set. The Mission will therefore prioritize the recruitment of qualified women for the civilian staff and United Nations Volunteer positions to be deployed to the local headquarters of the monitoring and verification mechanism in order to reach the goal of 20 per cent of United Nations personnel deployed to supervise the ceasefire and cessation of hostilities and the laying down of arms. I continue to urge observer-contributing countries to increase their contribution of women observers and thank those that have done so.

32. At the regional level, the Mission is committed to achieving strict gender parity among civilian personnel in all substantive positions. Similarly, at the national level, every effort will be made to achieve gender parity among civilian personnel.

Overall resources

33. On the basis of the provisions of the Agreement, including the Mission's mandate as endorsed by both parties, the personnel required for the Mission to fulfil its mandate are as follows: about 450 observers and an appropriate civilian component, as decided by the General Assembly in the context of its consideration of the Mission budget, to be deployed in 40 locations, including the transitional local zones and points for normalization.

VI. Observations

34. In my letter of 22 July 2016 (S/2016/643), I expressed satisfaction at the current level of preparation for the deployment of the Mission, in particular the swift deployment of United Nations observers within days of the signing of the Agreement. The number of observers currently stands at 80, which has enabled the Mission to participate fully in the recent scoping visits to the local areas where the separation of forces and the laying down of arms will take place. The Mission is also ready to fulfil its coordination functions within the monitoring and verification mechanism at the national and regional levels as soon as the mechanism is established. In addition to the level of Mission preparedness, the successful tripartite visits to the zones carried out from 8 to 15 August, the working relationship between Colombian officers and FARC-EP combatants during the exercise, the positive reaction of the local population, all go to show that preparations are on track, not only from a technical viewpoint but also from a political perspective. I acknowledge that the implementation of the peace agreements is a major financial undertaking for the Colombian Government.

Discussions are under way involving the Colombian Government, the Secretariat and Member States on how best to support the logistics of the transitional local zones and points for normalization.

35. Against this positive background, several issues have arisen, some concerning operational aspects of the Mission and some concerning substantive issues and the broader political context.

36. While a proper division of responsibilities in terms of the provision of services has been discussed with the Government, the issue of cost-sharing for those facilities and services that are used jointly by the members of the monitoring and verification mechanism remains outstanding. I recommend that the Mission share with the Government the cost of activating and operating the mechanism, exclusive of government-provided security costs, in proportion to the number of United Nations observers and staff relative to the total number of mechanism personnel. Current planning indicates that the Mission's usage of facilities and services at the national, regional and local levels will be approximately 50 per cent of the total requirement. Separately, the Mission will be responsible for bearing the cost of Mission-specific activities, including those relating to the laying down of arms.

37. Regarding the composition of the Mission, the Agreement provides that observers would come mainly from countries from the Community of Latin American and Caribbean States (CELAC). In view of existing pledges from observer-contributing countries this is certain to be the case. The Mission has reiterated its commitment to CELAC to be inclusive of all countries from the region as it continues to staff its observer and civilian components. For reasons of sensitivity borne out by long experience of peace operations, the neighbouring countries of Colombia have not been requested to nominate observers. The United Nations is, however, open to alternative arrangements agreed by both parties. At the same time, the Mission is making every effort through the United Nations competitive process to recruit qualified civilians from all CELAC countries, including neighbours of Colombia, with a solid background in peace processes and United Nations affairs.

38. Several Colombian civil society and human rights organizations have asked about the role and relationship of the Mission vis-à-vis human rights. According to reliable data from Colombian think tanks, the Colombian Defensoría del Pueblo (Ombudsman's Office) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), the unilateral ceasefire that has been in place for more than a year on the part of FARC-EP has led not only to a drop in violence among belligerents but also to a decrease in violence against the population in the conflict areas. While the termination of the conflict between the Government of Colombia and FARC-EP will certainly not do away with all acts of violence against civilians, in which several other armed actors are involved, the definitive cessation of the conflict, which the Mission is established to facilitate, will, it is to be hoped, mark an improvement in the protection of human rights in Colombia.

39. In addition, as mentioned above, the rules of the ceasefire and cessation of hostilities to which the Colombia Government and FARC-EP are committed do not only prohibit acts of mutual aggression. They also contain a commitment to refrain from any "act of violence or threat of violence that endanger the life and personal integrity of the civilian population, in particular gender-based violence". The Mission, together with the monitoring and verification mechanism, will bear

responsibility for verifying that this important commitment is fully complied with throughout the duration of the ceasefire process. Moreover, at all levels the mechanism is open to receiving complaints, advice and recommendations from the population, the authorities and civil society organizations.

40. The Mission and the monitoring and verification mechanism will naturally have to cooperate not just with national institutions mandated to protect and promote human rights in Colombia, such as the Defensoría del Pueblo, the Consejería Presidencial para los Derechos Humanos (Office of the Presidential High Commissioner for Human Rights), Colombian human rights organizations, which are well established and respected, but with OHCHR. Such organizations will continue to work throughout the conflict areas, and their extensive expertise will be helpful to the mechanism. Provided adequate resources are at their disposal, national and international human rights organizations will certainly contribute to ensuring a transition from conflict to a peace free of violence and human rights violations, well beyond the duration of the ceasefire and the laying down of arms.

41. In their negotiating agenda adopted on 26 August 2012, the Colombian Government and FARC-EP had agreed to negotiate modalities for the ratification of the final peace agreement, once concluded. Following protracted and inconclusive discussions on the subject on 23 June 2016, together with the signing of the Agreement on the Ceasefire, the parties agreed to heed the decision to be made by the Constitutional Court of Colombia with regard to the modalities for popular ratification of the peace agreements. On 18 July 2016, the Government's decision to submit the final peace agreement to a plebiscite was ruled constitutional by the Constitutional Court.

42. In spite of this factor of uncertainty, the parties have decided to pursue preparations for the implementation of the ceasefire agreement. For example, joint training of members of the monitoring and verification mechanism — government representatives, FARC-EP representatives and United Nations observers — will take place in the coming weeks. The joint training will bring cohesiveness on the way in which the ceasefire will be verified once it enters into force, and will build further confidence in the peace process among combatants on both sides. The debate surrounding the plebiscite notwithstanding, I believe that such exercises, together with further dialogue with authorities and civil society on the Agreement are in themselves useful peacebuilding initiatives. The Mission, while remaining prudent in its deployment and attentive to political developments, will ensure that it can contribute fully to the success of these initiatives.

43. Concerning the ongoing negotiations in Havana, I note that important issues remain on the table, including modalities for the implementation of the agreements and for national and international verification mechanisms. An agreement on the reintegration of FARC-EP combatants is of particular importance. The ceasefire and laying down of arms is part of a longer-term process whose sustainability is conditional upon a reliable programme of reintegration for FARC-EP combatants. I therefore invite the parties to produce a solid and comprehensive programme in this respect. In conclusion, I would like to thank my Special Representative, Jean Arnault, for his continuing leadership, and to commend the Government of Colombia and FARC-EP for their determination to bring the negotiations to a successful conclusion. I remain deeply committed to providing all the support that is required of the United Nations to this process. After so many years of conflict, it may be difficult for many Colombians to imagine a future in peace. Yet the opportunity is at hand today and I hope they will be able to seize it.

United Nations S/2016/730

Security Council

Distr.: General
24 August 2016

Original: English

Letter dated 22 August 2016 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to draw the attention of the Security Council to the International Atomic Energy Agency Director General's report of 19 August and enclose herewith the commentary of the Spokesperson of the Ministry of Foreign Affairs of the Republic of Korea of 22 August on the report regarding DPRK reprocessing activities (see annex).

It would be appreciated if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Oh** Joon
Permanent Representative

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Please recycle

Annex to the letter dated 22 August 2016 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council

Press release: Ministry of Foreign Affairs Spokesperson's commentary on the International Atomic Energy Agency Director General's report regarding DPRK reprocessing activities

1. The Government of the Republic of Korea takes note of the fact that the International Atomic Energy Agency revealed, in its Director General's report, that there were multiple indications consistent with the DPRK's operation of its reprocessing facilities during 2016 and mentioned that the DPRK's nuclear activities, including those in relation to facilities for reprocessing and uranium enrichment, are in violation of Security Council resolutions and deeply regrettable.

2. All nuclear-related activities by the DPRK, including the reprocessing of spent fuel rods that it acknowledged the previous week (17 August) through foreign media, are clear violations of relevant Security Council resolutions, and those activities threaten international peace and safety as well as the non-proliferation regime. The ROK Government expresses serious concern over and strongly condemns such activities by the DPRK.

3. The DPRK must clearly recognize that the international community shall not, under any circumstances, accept DPRK's possession of nuclear weapons. The ROK Government strongly calls upon the DPRK to immediately stop nuclear development and take steps towards genuine denuclearization.

4. The ROK Government commits to working closely with major countries and related international organizations to take the necessary measures and to reinforce global efforts to tighten sanctions and intensify pressure on the DPRK.

United Nations

Security Council

Distr.: General
30 August 2016
English
Original: Arabic

Identical letters dated 22 August 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey the position of the Government of the Syrian Arab Republic regarding the thirtieth report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) (S/2016/714).

The Government of the Syrian Arab Republic reaffirms the positions it has previously communicated in its identical letters to the Secretary-General and the President of the Security Council responding to the reports of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015).

The Syrian Government concludes that the present report, like its predecessors, falls fundamentally short of its presumed goal, which is the improvement of humanitarian conditions in Syria, and that the Secretariat is using it to mislead world opinion about the true reasons why humanitarian conditions are deteriorating for Syrians. In addition, the report is being used to level accusations and disparage the massive efforts being made by the Syrian Government aimed at combating terrorism in Syria, restoring security and stability to all Syrian cities and regions so that displaced persons and migrants can return to their homes and lives, and improving the humanitarian situation for Syrians in general.

In the present report, as in its predecessors, the Secretariat has displayed a suspicious congruence with the positions and policies of certain influential Security Council members that have adopted positions hostile to the Syrian Government throughout the events that Syria has been experiencing for years.

Since the Secretariat first began submitting its monthly reports to the Security Council on the humanitarian situation in Syria, the Syrian Government has cooperated in earnest with the United Nations in supporting humanitarian work and consistently provided the Secretariat with reliable and detailed information. Regrettably, the Secretariat has insisted on ignoring that information and instead getting its information on the situation in Syria from sources that are misleading, politicized and biased against the Government, and some of which are directly linked to armed organizations and foreign intelligence services.

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The Syrian Government would like to offer the following specific examples from the report that illustrate the Secretariat's lack of professionalism and accuracy and show how it has embellished and distorted the facts.

1. The Syrian Government rejects the wilful disregard displayed by the report's authors for the Government's constitutional and legal right to defend its people against terrorism, particularly terrorism perpetrated by Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and the terrorist organizations associated with them, and its right to purge those armed terrorist groups from its territory, including from Aleppo, in accordance with international law. In Aleppo governorate, the Government is trying to break the siege and end years of humanitarian suffering owing to the fact that armed terrorist groups have spread in that governorate, used civilians as human shields and committed other horrifying terrorist crimes against civilians. The Syrian Government notes that the measures it has taken in Aleppo governorate are directed against terrorists, not "non-State armed groups", and have steered clear of targeting any civilian or service facility where civilians are present, in full compliance with international law and international humanitarian law. In conjunction with its allies, the Syrian Government has opened humanitarian corridors to help civilians who wish to leave neighbourhoods where terrorists are present and to facilitate the delivery of humanitarian assistance to neighbourhoods in Aleppo. The Syrian Government regrets that Secretariat officials have not bothered to gather available information on the dozens of civilians who have been victims of terrorist sniper fire and gunfire while trying to use those crossings to move to safe neighbourhoods where there are no armed terrorist groups.

2. The Syrian Government is once again surprised that the Secretariat continues to depend on unreliable sources of information to form its biased positions against the Syrian Government. That information is intentionally misleading and designed to tarnish the image of the Syrian Government. In particular, the Secretariat insists on omitting mention of crimes committed by the terrorists, their sources of financing, and the persons facilitating their passage into Syrian territory. Perhaps the worst example is the Secretariat's reliance on information from speculative reports and data from the Office of the High Commissioner for Human Rights (OHCHR), which serve as the basis for positions that lack any soundness or credibility. Organizations such as the Nur al-Din al-Zanki movement, the Nusrah Front, the Army of Conquest and Ahrar al-Sham are terrorist organizations and should not be absolved of responsibility for the deaths of dozens of civilian victims, including women and children.

The Syrian Government again rejects the Secretariat's ongoing attempts to burnish the image of the armed terrorist groups by calling them the "non-State armed opposition" (paragraphs 4, 5 and 16), and the Secretariat's failure to respond to our previous queries on the international legal basis for referring to organizations listed on the Security Council's lists of individuals, entities and groups linked to Al-Qaida, which is the backbone of the so-called Army of Conquest in Idlib and Aleppo, as the "non-State armed opposition". The Syrian Government also deplores the fact that in paragraph 35, for example, the Secretariat fails to name the terrorist organizations that recruit children and force them to marry.

3. The Syrian Government is surprised by the Secretariat's failure to characterize ISIL and the Nusrah Front as terrorist organizations, and the failure of

the Security Council, as yet, to characterize the Front for the Conquest of the Levant, which is heir to the Nusrah Front, as a terrorist organization.

4. The Syrian Government condemns the Secretariat's attempts, for example in paragraph 15, to whitewash and promote the operations carried out by the so-called international coalition led by the United States of America. It also condemns the report's wilful omission of any reference to the civilian casualties and massive destruction to infrastructure caused by the aerial bombardment, which the United States itself has acknowledged, while spouting lies about Syrian air force attacks that are genuinely directed at ISIL and Nusrah Front terrorists and groups linked to them and to Al-Qaida.

5. The Syrian Government is saddened by the report's selective approach, which is inconsistent with humanitarian principles. The report shines a spotlight on the suffering of Syrians in certain areas but not in others. It is clear that the Secretariat is not paying necessary heed to the deteriorating living conditions and health conditions of the people of Kafraya and Fu'ah, who have been facing starvation, thirst and a lack of medicine for months, not to mention daily indiscriminate shelling from the armed terrorist groups laying siege to those towns. The Secretariat also neglects to mention that those groups have prevented the United Nations humanitarian evaluation group from entering the towns for several months.

6. The Syrian Government strongly condemns the Secretariat's wilful and repeated disregard of the catastrophic humanitarian repercussions of the ongoing unilateral coercive economic measures imposed by the United States and the European Union on vital services sectors, such as health, education, energy, food, water and electricity, that provide for Syrians' daily needs and strengthen their resilience. As some Secretariat officials have acknowledged, those measures have had an adverse effect on the humanitarian work done by the Syrian Government and civil society associations, United Nations agencies, international organizations and foreign non-governmental organizations operating in Syria.

7. The Syrian Government reiterates its position that cross-border assistance is futile, and condemns once more the authors' insistence on covering up the fact that assistance continues regularly to fall into the hands of armed terrorist groups in the targeted areas. The notifications sent to the Syrian Government do not meet the minimum standard of credibility in terms of figures, information, numbers of beneficiaries and particulars on which parties collect and distribute the aid. The Syrian Government also rejects the Secretariat's attempts to inflate the number of aid beneficiaries into the millions in areas where the population, including children, is merely in the thousands, and reiterates that the United Nations monitoring mechanism cannot verify that cross-border assistance is reaching its rightful beneficiaries. We remind you that the Bab al-Hawa, Bab al-Salamah and Ramtha crossings are entry points for arms, materiel and ammunition being smuggled to armed terrorist groups in Syria. The Syrian Government has already confirmed that the Syrian Arab Red Crescent is prepared to monitor the delivery of humanitarian assistance to beneficiaries, but the United Nations has failed to respond.

8. The Syrian Government reiterates that the authors of the report ignore the fact that successes achieved in the delivery of humanitarian assistance by United Nations agencies and international organizations to beneficiaries in both stable and unstable parts of Syria, most recently in July 2016, would not have been possible

without the assistance and facilities provided by the Syrian Government. In that regard, we note that the Syrian Government has informed the United Nations of its approval for the August 2016 plan to deliver humanitarian assistance to unstable areas, and that it has done everything that was asked of it in that regard.

9. The Syrian Government regrets that the Secretariat is not explicit about the responsibility of armed terrorist groups, which some have designated as "moderate", for the obstruction of humanitarian aid delivery to many of the areas where they are deployed or which they are besieging. For instance, those groups have cut off water, electricity and other essential services to Syrian civilians in Aleppo governorate. On 27 July 2016, those groups launched dozens of shells at the electrical transformer station in the Hamdaniyah neighbourhood, setting fire to the station and cutting off electricity to the city of Aleppo. The Secretariat also fails to mention the reason why the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has been unable to deliver assistance to Palestinian refugees displaced from Yarmouk camp to Yalda, Babila and Bayt Saham, which is that armed terrorist groups belonging to ISIL, Ahrar al-Sham and the Army of Islam issued a declaration stating that they are the only parties authorized to supervise aid distribution and receive assistance convoys entering Yalda, Babila and Bayt Saham (paragraph 39). We also note that the Secretariat and its agents in Syria have failed to follow up on the bombing of electrical towers in the western part of Dar'a governorate, which cut off water to hundreds of thousands of people all over the governorate.

The report's authors also neglect to mention that one of the main reasons for shortages of electricity and drinking water among the besieged population of Aleppo is that "international coalition" aircraft bombed the Sulayman al-Halabi plant several months ago, putting it out of service. Those same aircraft and the armed terrorist groups have also bombed and destroyed water treatment facilities in Aleppo.

We also draw attention to the failure by the report's authors to mention that armed terrorist groups in the Wadi Barada region of Rif Dimashq blew up the Barada spring water pipeline that supplies the city of Damascus, causing leaks in that pipeline, which is one of the city of Damascus' main drinking water sources. We are obliged to ask: Does the Secretariat consider the actions of the armed terrorist groups to be correct behaviour not subject to debate?

10. The Syrian Government rejects the authors' reference to what they call a lack of agreement between the parties of the Four Towns ceasefire agreement covering Zabadani, Madaya, Fu'ah and Kafraya (paragraph 30). In actual fact, the handlers behind the terrorists who are besieging the towns of Fu'ah and Kafraya are the reason that no agreement has been reached. The Syrian Government has informed the office of the Resident Coordinator in writing that it has approved access to Zabadani and Madaya.

11. The Syrian Government once again condemns the Secretariat's continued bias in favour of the Turkish Government to the detriment of the hundreds of thousands of civilians in Hasakah governorate who have been affected by the closing of the Nusaybin border crossing. The Turkish Government has stubbornly refused to approve United Nations requests to bring humanitarian assistance into that governorate via that crossing. The Syrian Government reiterates that it is not true that the crossing has been closed temporarily since December 2015 — almost

eight months — owing to security reasons (paragraph 31). The closure is in fact due to political reasons that are well known, and is intended to increase the suffering of Syrian civilians under siege by both armed terrorist groups (notably ISIL) and the Turkish Government in those areas.

12. The Syrian Government wishes to clarify that as of 31 July 2016, the number of visa applications for United Nations staff approved during the month of July was 38, not 21, and 79 visas were renewed, not 23.

13. The Syrian Government would like to point out that the United Nations has been informed of the status of a number of its local staff members who have been arrested on charges of terrorism and collaboration with terrorists. They have been remanded to the competent courts. We find it odd that the United Nations should mention them as being detained. Why would the United Nations want to count among its staff members persons who are under investigation or implicated in terrorism?

14. The Syrian Government deplores the Secretariat's efforts to paint a negative picture of the work being done by foreign non-governmental organizations in Syria. In cooperation with national partners, the Syrian Government is providing those organizations with facilities and assistance to carry out their work as effectively as possible and in a way that responds to the needs of as many affected Syrians as possible. Syria once again points out to the Secretariat that, to date, the number of foreign non-governmental organizations authorized to deliver assistance in Syria is 22, not 17 as stated in the report. The Syrian Government also stresses that the true obstacles to the work of such organizations lies primarily in their limited funding and their inability to secure humanitarian needs and supplies because of the American and European unilateral coercive economic measures being imposed against Syria.

15. The Government of the Syrian Arab Republic reaffirms its long-standing position that the crisis in Syria requires a political solution based on dialogue among Syrians under Syrian leadership without foreign intervention and without preconditions. It further stresses that the political approach goes hand in hand with counter-terrorism efforts, which will continue until all of the armed terrorist groups active in Syria have been eradicated. In that connection, the Syrian Government stresses that the Special Envoy of the Secretary-General needs to carry out his duties and reminds the Secretariat that the success of the political process and any significant improvement in the humanitarian situation will depend, above all, on creating a climate conducive to a serious and non-politicized international and regional commitment to fighting terrorism and on an immediate end to the unilateral coercive economic measures being imposed on the Syrian people with no legal or moral basis.

16. The Government of the Syrian Arab Republic reiterates its call on the Security Council to prevail on those States that support and finance armed terrorist groups to refrain from doing so, in implementation of the relevant Security Council resolutions on combating terrorism and the financing of terrorism, particularly resolutions 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015). Compliance with and enforcement of those resolutions is the key to resolving the situation in Syria and delivering an unprecedented amount of humanitarian assistance to those in need in Syria.

I should be grateful if this letter and its annexes could be issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

Annex I to the identical letters dated 22 August 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Crimes and indiscriminate attacks committed by ISIL, the Nusrah Front, the Free Army, the Army of Islam, Ahrar al-Sham, the Army of Conquest and other armed terrorist groups ignored by the authors of the report

- During the current reporting period, terrorist attacks killed 160 civilians and injured dozens of others across the governorates of Syria, not including Raqqah and Idlib.
- On 24 July 2016, armed terrorist groups attacked residential neighbourhoods in Damascus and Rif Dimashq, including Bab Tuma, Mazzah, Arnus, the Harasta residential suburb, and Sa'sa', with dozens of mortar shells, killing 16 civilians, including women and children, and injuring dozens, some of them seriously. Extensive material damage was also caused.
- In the city of Aleppo, armed terrorist groups belonging to the so-called Nusrah Front, the Nur al-Din al-Zanki battalion, the Islamic Front, Liwa' al-Tawhid, the Badr Martyrs Brigade, the Emigrants Brigade and Northern Shield, located in the Bani Zayd, Rashidin, Bustan al-Qasr and Old Aleppo neighbourhoods, opened sniper fire and launched dozens of mortar shells, gas cylinder missiles and "hell cannon" missiles at the Nile Street, Ashrafiyah, Mogambo, Assad suburb of Hamdaniyah, Fayd, Aziziyah and Zahra' neighbourhoods, killing 74 civilians, including women and children, and injuring dozens of others. Material damage was caused to buildings, businesses, vehicles and infrastructure.
- Armed terrorist groups fired 10 mortar shells at the electrical transformer station at the 1070 housing project in the Hamdaniyah neighbourhood, starting a fire that cut off the city of Aleppo from electricity supplied by the Shaykh Hilal-Khanasir transmission line.
- A child was killed in Yabrud when a bomb left behind by armed terrorist groups exploded.
- Armed terrorist groups blew up the Barada spring water pipeline that supplies drinking water to the city of Damascus.
- Some 38 civilians were killed and 171 others were injured, most of them women and children, by two explosions. The first attack was carried out by a suicide bomber riding a bicycle. In the second attack, a truck carrying livestock and packed with explosives was detonated in the western quarter of the city of Qamishli.
- Armed terrorist groups in Dar'a fired three mortar shells at the Sahhari neighbourhood and the entrance to the police command and municipal building, killing three civilians and injuring three women with shrapnel. Extensive material damage was caused.

Annex II to the identical letters dated 22 August 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Examples of humanitarian assistance that was delivered during July 2016 thanks to the facilitation provided by the Government of the Syrian Arab Republic to the United Nations and other international organizations, in cooperation with the Syrian Arab Red Crescent, in addition to the assistance provided by the Syrian Arab Red Crescent

- The Syrian Arab Red Crescent, with the full facilitation of the Syrian Government, delivered humanitarian aid (food and non-food aid and medical assistance) provided from inside Syrian territory by United Nations agencies, to various governorates, including Rif Dimashq, Aleppo, Qunaytirah, Hasakah, Homs, Hama and Dar'a. Some 42,425 Syrian beneficiaries (143,705 families) received food parcels provided by the World Food Programme through the Syrian Arab Red Crescent. The total number of the beneficiaries of United Nations assistance distributed from inside Syrian territory thus stands at 3,639,588 (727,917 families).

- The Syrian Arab Red Crescent, with multifaceted support from the Syrian Government, delivered humanitarian aid provided by the International Committee of the Red Cross (ICRC) from inside Syrian territory to most Syrian governorates. A total of some 298,100 food parcels were delivered to some 1,490,500 beneficiaries, in addition to tens of thousands of canned food parcels, other food items, and food aid for community kitchens, for hundreds of thousands of beneficiaries.

- The Syrian Arab Red Crescent, with the support of the Government of the Syrian Arab Republic, delivered humanitarian aid (food and non-food aid, medical assistance, water purifiers, wheelchairs and baby food) provided by United Nations agencies, ICRC, the International Federation of Red Cross and Red Crescent Societies and foreign non-governmental organizations in Syria to hundreds of thousands of beneficiaries in Aleppo, Rif Dimashq, Dar'a, Qunaytirah, Damascus, Homs, Hama, Suwayda', Tartus and Ladhiqiyah governorates.

- From 2014 through the end of May 2016, a total of 136,982 food parcels and 42,580 medical parcels have been delivered to the inhabitants of the camp by UNRWA. That is in addition to the continuing operation to provide non-food aid, other foodstuffs and medical care. We also note that the Palestine refugees in Yalda, Babila and Bayt Saham are inhabitants of Yarmouk camp who were displaced from the camp after the terrorist organization ISIL overran it in April 2015 in collusion with the terrorist Nusrah Front and other terrorist groups present inside the camp. UNRWA has ceased to provide its assistance to residents of the Yarmouk refugee camp through Yalda, Babila and Bayt Saham, because the armed terrorist groups inside the camp issued a statement declaring themselves to be the only bodies authorized to oversee the distribution of assistance and to receive aid convoys entering Yalda, Babila and Bayt Saham.